

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDRE BOYER,
Plaintiff,

v.

**THE CITY OF PHILADELPHIA,
COMMISSIONER CHARLES RAMSEY,
TWO JANE OR JOHN DOES,
CAPTAIN BRANVILLE BARD,
CAPTAIN ROLLIN LEE,
LIEUTENANT KARYN BALDINI, and
OFFICER ANGEL ORTIZ,
Defendants.**

CIVIL ACTION

NO. 13-6495

O R D E R

AND NOW, this 17th day of December, 2015, upon consideration of defendants The City of Philadelphia, Commissioner Charles Ramsey, Captain Branville Bard, Captain Rollin Lee, Lieutenant Karyn Baldini, and Officer Angel Ortiz's Motion to Dismiss (Document No. 28, filed June 15, 2015), plaintiff's Response in Opposition to Defendants' Motion to Dismiss (Document No. 31, filed August 2, 2015), and defendants The City of Philadelphia, Commissioner Charles Ramsey, Captain Branville Bard, Captain Rollin Lee, Lieutenant Karyn Baldini, and Officer Angel Ortiz's Reply Brief in Support of their Motion to Dismiss (Document No. 34, filed August 17, 2015), for the reasons set forth in the accompanying Memorandum dated December 17, 2015, **IT IS ORDERED** that the Motion to Dismiss is **GRANTED IN PART**, and **DENIED IN PART**, as follows:

1. That part defendants' Motion to Dismiss which seeks dismissal of the parts of Counts II and III of the Amended Complaint in which plaintiff asserts claims against defendant Captain Branville Bard under 42 U.S.C. § 1983, is **GRANTED**. The caption of the case is amended to **DELETE** reference to Captain Branville Bard.

2. That part defendants' Motion to Dismiss which seeks dismissal of Count VI of the Amended Complaint in which plaintiff asserts claims for libel and slander is **GRANTED** on the ground that, as conceded by plaintiff, all such claims are untimely;

3. Defendants' Motion to Dismiss is **DENIED IN ALL OTHER RESPECTS.**

4. That part of Count I of the Amended Complaint in which plaintiff asserts a claim against defendant Commissioner Charles Ramsey under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., is **DISMISSED WITH PREJUDICE.**¹

IT IS FURTHER ORDERED that a telephone conference will be conducted in due course for the purpose of scheduling further proceedings.

BY THE COURT:

/s/ Hon. Jan E. Dubois

DuBOIS, JAN E., J.

¹ This issue was not raised in the Motion to Dismiss.